

In the Indiana Supreme Court

IN THE MATTER OF A.B., a Child
Alleged to be Delinquent

) Supreme Court Cause No.
) 71S00-1002-JV-156
)
) Trial Court Cause No.
) 71J01-0811-JD-826



ORDER

The Appellant, Indiana Department of Child Services (“DCS”), filed its Brief of Appellant on June 11, 2010. On June 30, 2010, Appellee, A.B., filed a motion to dismiss this appeal. On July 2, 2010, the St. Joseph County Juvenile Probation Department (“Probation Department”), having identified itself as another Appellee, filed a motion to dismiss this appeal. DCS filed a response to the motions to dismiss and argued, among other things, that the Probation Department is not a proper party to this appeal. The Probation Department requests permission to file a reply to DCS’s response to the motions to dismiss and has tendered a reply. Meanwhile, A.B. filed his Brief of Appellee, and the Probation Department tendered its own Brief of Appellee and accompanying Appendix.

The Court GRANTS the Probation Department’s request to file a reply to DCS’s response and directs the Clerk to show the tendered reply filed as of its date of tender, July 26, 2010. Being duly advised, the Court DENIES the motions to dismiss this appeal.

The Court also directs the Clerk to show the Probation Department’s brief and accompanying Appendix filed as of their date of tender, August 13, 2010. DCS’s argument that the Probation Department is not a proper party to this appeal is well taken. However, DCS has served the Probation Department or its officers with copies of the Notices of Appeal, Appellant’s Case Summary, and Brief of Appellant; and DCS has not moved to strike any of the Probation Department’s filings. Under the circumstances, the Court henceforth recognizes the Probation Department as an amicus curiae and will treat its brief as that of an amicus curiae. The Probation Department is an amicus curiae under Appellate Rule 53(E) for purposes of the oral argument, which will be scheduled by separate order.

The Clerk is directed to send copies of this order to counsel of record. The Clerk is also directed to post this order to the Court’s website.

Done at Indianapolis, Indiana, this 31st day of Aug., 2010.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

All Justices concur.